

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (optional)

5899-RE-01

I hereby declare that:

The residence, mailing address and citizenship of the inventors are stated below.

I am authorized to act on behalf of the following assignee: Myself

and the title of my position with said assignee is: _____

The entire title to the patent identified below is vested in said assignee.

Inventor
GOBELI, Garth W. (presently named)Citizenship
U.S.A.Residence/Mailing Address
UnknownInventor
LESZINSKE, Alan J. (to be named)Citizenship
U. S. A.Residence/Mailing Address
5012 Copper Blvd., N.E., Albuquerque, N.M. 87108☐ Additional Inventors are named on separately numbered sheets attached hereto.Patent Number
6,246,893 B1Date of Patent Issued
June 12, 2001

I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled:

Method and Device for Glucose Concentration Measurement, etc.

the specification of which

☐ is attached hereto.☒ was filed on December 1, 2003 as reissue application number 10 / 725,360

and was amended on _____

(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

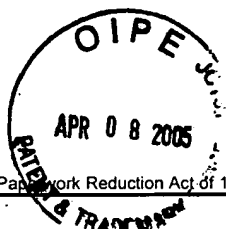
I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.☒ by reason of other errors.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**REISSUE APPLICATION DECLARATION BY THE ASSIGNEE**

Docket Number (Optional)

At least one error upon which reissue is based is described as follows:

An inventor, Alan J. Leszinske, was not named as one of the true inventors in the issued patent.

[Attach additional sheets, if needed.]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint:

☐ Practitioners associated with Customer Number:

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Correspondence Address: Direct all communications about the application to:

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signature

Date

March 15, 2005

Full name of person signing (given name, family name)

Alan J. Leszinske

Address of Assignee

5012 Copper Blvd.m N.E., Albuquerque, N.M. 87108



DECLARATION OF ALAN J. LESZINSKE
IN SUPPORT OF REISSUE PATENT APPLICATION
SERIAL NO. 10/725,360

I, Alan J. Leszinske, declare the following:

I am a founder and president of Complex Light Valve Corporation ("Complex") and TecMed, Incorporated ("TecMed"), corporations of the State of New Mexico.

For a period of time Garth W. Gobeli ("Gobeli") was employed in a technical capacity by Complex and TecMed. Gobeli was named as the sole inventor in patent application serial No. 08/873,999, filed June 12, 1997 which issued as patent No. 6,246,893 on June 12, 2001.

The development of a hostile relationship between Gobeli and other employees of Complex and TecMed resulted in the termination of Gobeli's employment in November, 1997.

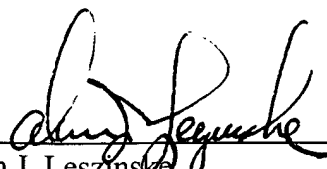
Following termination of employment Gobeli refused to participate in ongoing patent related matters although he did execute an assignment of the 08/873,999 patent application in 2001, but only after being threatened with a law suit to force compliance with his employment agreement.

An audit of the patent portfolio of Complex and TecMed in 2003 revealed that I should have been named as a co-inventor of patent 6,246,893. Reissue application Serial No. 10/725,360 was filed on December 1, 2003 to correct inventorship in patent 6,246,893.

The decision to proceed by way of reissue under 35 U.S.C. 251 and 37 C.F.R. 1.172 was made in the belief that no statement regarding correction of inventorship could be obtained from named inventor Gobeli as required by 35 U.S.C. 256 and 37 C.F.R. 1.324. The present whereabouts of Gobeli are not known and, if he could be found, his past conduct strongly suggests that he would not agree to submit a statement either agreeing to the change of inventorship or that he has no disagreement in regard to the change.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date March 15, 2005



Alan J. Leszinske